

1 PAUL J. MANSDORF, TRUSTEE
2 1569 Solano Ave. #703
3 Berkeley, CA 94707
4 Telephone: (510) 526-5993
5
6
7

8 **UNITED STATES BANKRUPTCY COURT**
9 **NORTHERN DISTRICT OF CALIFORNIA**
10 **OAKLAND DIVISION**

11 In re:
12 **SHAWN IMAN GHADAMI,**
13 **Debtor.**

Case No. 13-43051 CN 7

Chapter 7

**TRUSTEE'S APPLICATION FOR
EMPLOYMENT OF SPECIAL COUNSEL
ON A CONTINGENCY FEE BASIS (Michael
Cosentino, Esq.)
[11 U.S.C. §§ 327(e) and 328(a)]**

**[No Hearing Requested Unless Objection
Filed]**

18 TO: THE HONORABLE CHARLES NOVACK, UNITED STATES BANKRUPTCY JUDGE:
19

20 The application of Paul J. Mansdorf, Trustee (“Applicant”) respectfully represents:

21 1. The Debtor filed a voluntary chapter 7 petition on May 24, 2013, and Applicant was
22 appointed Trustee.

23 2. On January 24, 2014, Applicant obtained a judgment against Sohelia Vahedy, the
24 Debtor’s mother, in the amount of \$10,000 plus interest thereon from June 26, 2013, in the
25 adversary proceeding entitled *Mansdorf v. Vahedy*, A.P. No. 13-04168. On February 6, 2014,
26 Applicant caused to be filed a Notice of Judgment Lien with the California Secretary of State. The
27 Judgment is final.

28 3. Applicant has concluded that the most effective way to attempt to monetize the

1 Judgment is to employ counsel that specializes in collections. Applicant does not have the
2 wherewithal to employ counsel on an hourly rate basis to pursue and collect the Judgment. His
3 general counsel, shierkatz RLLP, is not in a position to pursue the judgment on a contingency fee
4 basis. Michael Cosentino, Esq., P.O. Box 129, Alameda, CA 94501, telephone (510) 523-4702,
5 Fax (510) 747-1640, is willing to pursue the Judgment on behalf of the bankruptcy estate on a
6 contingency fee basis and is willing to advance costs to be reimbursed from any economic
7 recovery. Under the terms of the Agreement, a copy of which is attached as Exhibit "A" to the
8 Declaration of Michael Cosentino filed concurrently herewith, Mr. Cosentino will be paid a
9 contingency fee of 45% of any and all mounts recovered, plus actual out-of-pocket expenses. In
10 the event there is no recovery, the bankruptcy estate will not be liable for any fees or costs to Mr.
11 Cosentino. Applicant has provided Mr. Cosentino with the Judgment and the Notice of Judgment
12 Lien.

13 4. Applicant is seeking to employ Mr. Cosentino on a contingency fee basis under 11
14 U.S.C. § 328(a). Bankruptcy Code section 328 allows a trustee, with Court approval, to employ
15 special counsel on a contingency fee basis on reasonable terms and conditions. Based on the
16 declaration of Michael Cosentino, Applicant believes that Mr. Cosentino holds no interest adverse
17 to the bankruptcy estate and is a disinterested person.

18 5. Applicant understands that pursuing collection of the Judgment can be expensive
19 and that fees and costs in such an arrangement can be substantial. Under the provisions of the
20 Agreement, Mr. Cosentino has agreed to advance all costs related to the collection efforts.
21 Applicant is serving notice of this Application on all creditors, the United States Trustee, and the
22 Debtor.

23 WHEREFORE, Applicant prays that he be authorized to employ Michael Cosentino as
24 special counsel and enter into the Agreement, and that he have such further and other order as the
25 Court deems appropriate.

26
27 Dated: October 9, 2018

/s/ Paul J. Mansdorf
Paul J. Mansdorf, Trustee